

Appl. No. 10/707,246  
Response Dated December 1, 2005  
Reply to Office Action Dated January 18, 2006

### REMARKS/ARGUMENTS

Please reconsider the application in view of the above amendments and the following remarks. Claims 1-42 remain in this application. Applicants have amended claim 1 herein. Support for this amendment is found at Fig. 3 and paragraph [0041]. No new matter has been added by way of this amendment.

The Examiner has indicated that claims 5-42 are allowed. The Examiner further indicated that claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim. For reasons stated below, Applicant believes that the base claims from which these claims depend are allowable and that there is no need to rewrite these claims in independent forms. Accordingly, Applicant respectfully defers rewriting the claims at this time.

#### Rejection(s) under 35 U.S.C § 102

Claims 1 and 2 stand rejected under 35 U.S.C. § 102 as being unpatentable over U.S. Patent No. 5,411,097 ("Manke"). The rejection is respectfully traversed.

Amended claim 1 recites a downhole fluid pump comprising a pump chamber positionable in fluid communication with the subterranean formation and a piston disposed in the pump chamber so that the piston will move in one selected from a charge stroke and a discharge stroke when the piston is exposed to a pressure differential between an internal pipe mud pressure and an annular pressure in the wellbore whereby fluid from the subterranean formation is drawn into the downhole tool. The amendments clarify that the pump is used to draw formation fluid into the downhole tool. No such features are provided by the cited art.

Manke discloses a safety valve. The valve uses differential pressures to actuate a mandrel and move it into position in the housing. *See, Manke, Col. 7, lines 17-26*. There is no disclosure in Manke of a pump having a piston that uses differential pressures to draw formation fluid into the downhole tool as recited in Claim 1. Manke, therefore, fails to anticipate Claim 1, or the claims that depend therefrom.

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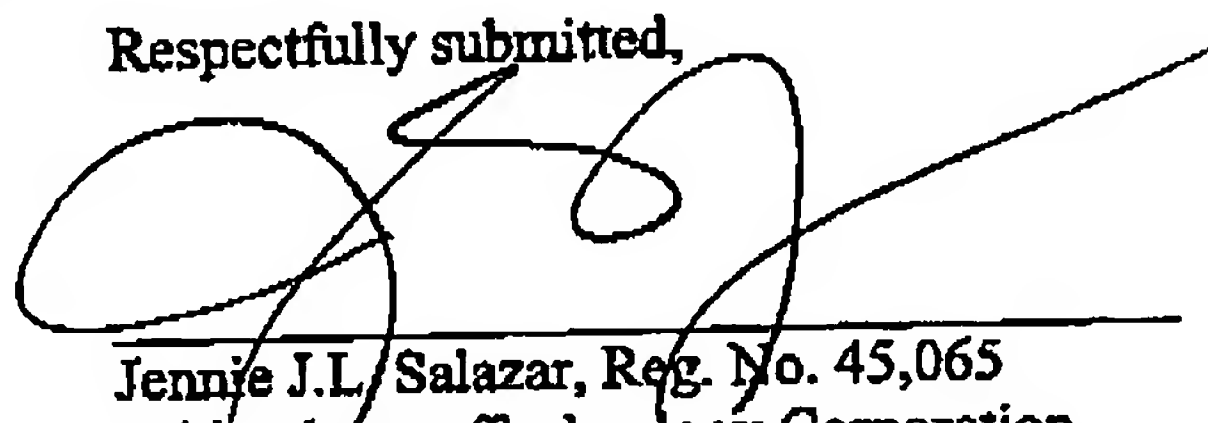
In view of the above, Applicant submits that the present claims demonstrate novelty and non-obviousness over the art of record. Applicant, therefore, respectfully requests withdrawal of the rejections of all the claims under 35 U.S.C. § 102.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the telephone number listed below.

This paper is submitted in response to the Office Action dated January 18, 2006 for which the three-month date for response is April 18, 2006. Please apply any charges not covered, or any credits, to Deposit Account 19-0610 (Reference Number 24.0935).

Respectfully submitted,

Date: 3/27/06

  
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